

**Memorandum of Agreement Between Colorado Department of Public Health &
Environment
and the US Environmental Protection Agency
TRI State Data Exchange**

1 Overview – Exchange of TRI Data

This agreement is a voluntary agreement between the Colorado Department of Public Health & Environment, hereinafter referred to as CDPHE, and the US Environmental Protection Agency, with the US Environmental Protection Agency, Office of Information Analysis and Access acting as a representative for the Agency and hereinafter referred to as EPA, for the exchange of Toxics Release Inventory (TRI) data via the National Environmental Information Exchange Network, hereinafter referred to as the Exchange Network.

2 Purpose

The purpose of this Memorandum of Agreement (MOA) is to outline the specific roles and responsibilities between CDPHE and EPA for the purposes of successfully transmitting TRI data via the Exchange Network.

This agreement does not supersede any existing agreement between CDPHE and EPA, nor any future Memoranda of Agreement between CDPHE and EPA.

3 Background

In 1986, the Emergency Planning and Community Right-to-Know Act (EPCRA) was enacted including Section 313, which created the TRI. Under Section 313(a) of EPCRA, certain covered facilities are required to submit annual toxic chemical release forms to EPA and to "an official or officials of the State designated by the Governor." 42 USC § 11023(a). This project is intended to allow TRI facilities to report to both EPA and their State simultaneously with one action, fulfilling their statutory duty to report to both EPA and the State and reducing burden on the facilities.

When submitting TRI data, facilities may choose between several mechanisms of transmission including via EPA's web services node, the Central Data Exchange (CDX). When a facility reporting to TRI chooses to submit data through a means other than CDX (e.g., paper, diskette), the facility is responsible for submitting the data separately to both EPA and CDPHE. Non-CDX transmission mechanisms fall outside the parameters of this agreement. In these instances, no data is pushed from EPA to CDPHE as described below.

EPCRA requires that EPA "establish and maintain in a computer data base a national toxic chemical inventory based on data submitted ... under this section." 42 USC § 11023(j). EPCRA is silent as to what state recipients of TRI data should do with TRI data but individual states may have state laws or policies that govern the use of data received by the state. This agreement does not cover any additional reporting elements that may be required under CDPHE law.

4 Participant Responsibilities

4.1 Data Exchange Mechanism and Schedule

This document describes the TRI data exchange, which consists of a one-way transfer of data via the Exchange Network. The data is initially submitted by a facility reporting to the TRI program via EPA's CDX using the TRI-Made Easy (TRI-ME) reporting tool. From CDX, the data is date-stamped and converted into a TRI XML format and then automatically transferred to the CDPHE node. The exchange uses a "push" model in which the "raw" data entered by a TRI facility into CDX is automatically transferred to CDPHE's node without any data quality corrections performed by EPA.

The data is transferred on a facility-by-facility basis as it is received by CDX. The CDPHE node responds to a successfully-submitted report by sending transaction identification number back to the CDX node. If the initial push of data to the CDPHE node fails, CDX will resend the submission based on its standard operating procedures.

When CDX successfully receives a facility transmission, CDX sends an email to the reporting facility confirming that data submission to CDX has been successful and that the facility data automatically will be forwarded to CDPHE. The email confirms that the facility has fulfilled their obligation to report to both EPA and the State in accordance with EPCRA. CDPHE may choose to send a second confirmation email to the reporting facility confirming the successful receipt of the report by the state node.

4.2 Data Stewardship

The stewardship responsibilities of the two parties are described and acknowledged by this agreement. EPA agrees to be the steward for all TRI data submitted through CDX to CDPHE. CDPHE maintains oversight responsibility for data received through CDX.

Each party agrees to provide notification and documentation to the other partner when either decides that accuracy, completeness or timeliness has fallen short of EPA and CDPHE expectations.

4.3 Use of Data, Access to Data

CDX transfers TRI data to the CDPHE node according to the protocols established in the published Exchange Network protocol and specifications. CDPHE may use this data as defined by CDPHE's business processes. At EPA, CDX archives a copy of the submitted data and forwards the data to the Toxics Release Inventory System (TRIS) for processing by the TRI Program Division.

Participants in the TRI data exchange are limited to TRI reporting facilities, which are registered with CDX and the CDX system. Within the secure boundaries of the data exchange outlined in this MOA, access to submitted facility data is limited exclusively to these parties. After transmission the data will be available as described in each agency's information policy.

4.4 Data Elements

The TRI data referred to in this document includes the data elements found on TRI Form R and A Certification Statements. These data elements are described in the TRI Flow Configuration Document (FCD), which serves as the technical reference for the TRI data exchange. Because the data is automatically forwarded from CDX to the CDPHE node without any intervening data quality validation, the only metadata that is attached is the received date of the submission.

4.5 Standards and Technology

EPA and CDPHE agree to exchange data using web services technology as defined in the Exchange Network protocol and specification documents. The TRI data exchange configuration is explained in detail in the FCD. TRI exchange participants agree to adhere to the technologies and exchange protocols as defined in the FCD.

4.6 Security

The data exchange is encrypted by the EPA-CDX for security purposes. The data exchange includes certification in the form of an electronic signature from the facility reporting to the Toxics Release Inventory Program. The data is formatted in the TRI XML schema that is registered with the Exchange Network and is sent from EPA's CDX Node to the State Node using secure protocols. A step-by-step description of security authentication is available in the FCD.

The data exchanged under this agreement is not confidential. The information is approved for public distribution, and made available on a public Internet web site. Information claimed to be trade secret as

defined by Section 322 of EPCRA and confidential business information or trade secrets submitted to support a Section 322 trade secrecy claim is not transmitted over the Exchange Network as these data may not be submitted using the CDX. See 42 USC § 11042.

4.7 Data Source and Data Quality

The data source is the TRI data reported by TRI facilities that opt to use EPA's *TRI-ME* reporting tool beginning with Reporting Year 2005 data. Revisions to previous years' submissions are not automatically transferred to the CDPHE node as described in this agreement. Revisions to Reporting Year 2005 and subsequent years' data will be automatically transferred to the CDPHE node.

EPA and CDPHE agree to cooperate to ensure that the data being exchanged is an accurate and complete replica of the data submitted as certified by the reporting facility. The process outlined in the section Dispute Resolution applies to reconciliation of data duplicates, discrepancies, or other quality issues. Individual submissions are tracked using a transaction identification number supplied by CDX.

4.8 Data Timeliness

Data is converted to XML and pushed from CDX to the CDPHE node automatically on a facility-by-facility basis. Based on pilot testing of the TRI data exchange, it is expected that the data will be submitted to the CDPHE node within several minutes of its receipt through the CDX. For enforcement purposes, EPA and CDPHE agree that the date-stamp attached to a submission when it is successfully received will act as the date-received for CDPHE.

4.9 Data Reconciliation

If at any time one of the partners finds a technical problem with accuracy, completeness, or timeliness of submissions, they should alert the other party. If technical problems cannot be resolved in a timely manner for retransmission to the CDPHE node, another method of transmission will be used to forward facility data to CDPHE.

4.10 Dispute Resolution

CDPHE and EPA data administrators agree to resolve disputes whenever possible. (Data administrators are those assigned with the overall management of TRI data in his or her agency.) The data administrator agrees to contact his or her counterpart, either by telephone, email, or in writing. If the data administrators cannot resolve the dispute within two weeks, they agree to bring it to the attention of their immediate supervisors.

5 Financial Arrangements

All commitments made in this agreement are subject to the availability of appropriated funds and budget priorities for EPA and CDPHE. Nothing in this agreement, in and of itself, obligates EPA or CDPHE to expend appropriations or to enter into any contract, assistance agreement, interagency agreement, or to incur other financial obligations. Any endeavor involving reimbursement or contribution of funds between the parties to this agreement will be handled in accordance with applicable laws, regulations, and procedures, and will be subject to separate subsidiary agreements that will be effected in writing by representatives of both parties.

EPA or CDPHE may not endorse the purchase or sale of products and services provided by private organizations that become partners in this effort.

6 Period of Agreement

This agreement is intended to facilitate the exchange of data between CDPHE and EPA and is not intended to and does not create any right or benefit, substantive or procedural, enforceable by law or equity against EPA, CDPHE, their officers or employees, or any other person.

This agreement becomes effective on the date of signatures by both parties and continues until modified by mutual consent or unless terminated with 60 days written notice by either party. Partners should review this agreement periodically, at least once per year. They should amend or revise it as changing needs, conditions or technology warrant.

7 Legal Framework - Disclaimer

This is a voluntary non-binding agreement between CDPHE and EPA regarding the exchange of TRI data through the Exchange Network. Participation in this agreement does not supersede any data or information management and reporting requirements of any grant, contract, or other agreement.

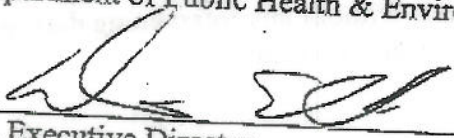
8 Points of Contact

The following individuals have been identified as points of contact within each participating agency:

CDPHE Primary Contact Name Kirk Mills Title SARA Title III Coordinator Agency Colorado Department of Public Health & Environment Phone (303) 692-2977 Email kirk.mills@state.co.us	EPA Primary Contact Name Ingrid Rosencrantz Title TRI Exchange Network, Project Lead Agency EPA/OEI/OIAA/TRIPD Phone (202) 566-0961 Email roscncrantz.ingrid@epa.gov
CDPHE Alternate Contact Name Jill Cooper Title Director, Sustainability Program Agency Colorado Department of Public Health & Environment Phone (303) 692-2007 Email jill.cooper@state.co.us	EPA Alternate Contact Name Dipti Singh Title Chief, Information Outreach Branch Agency EPA/OEI/OIAA/TRIPD Phone (202) 566-0739 Email Singh.Dipti@epa.gov

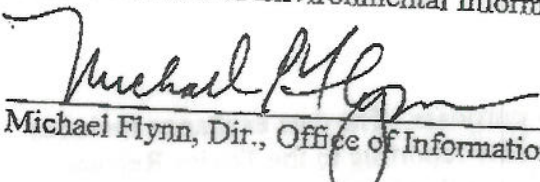
9 Approvals

Colorado Department of Public Health & Environment


Dennis Ellis, Executive Director

4/24/06
Date

US EPA Office of Environmental Information


Michael Flynn, Dir., Office of Information Analysis and Access

5/1/06
Date

**Addendum to Memorandum of Agreement Between Colorado
Department of Public Health and Environment and the US
Environmental Protection Agency
TRI State Data Exchange:
Addressing Diskette, Paper, and First-time CDX Filings**

1 Overview – Exchange of TRI Data

This Addendum to the Memorandum of Agreement Between Colorado Department of Public Health and Environment and the US Environmental Protection Agency for the TRI State Data Exchange is a voluntary agreement between Colorado Department of Public Health and Environment, hereinafter referred to as the State, and the US Environmental Protection Agency, with the US Environmental Protection Agency Toxics Release Inventory Program Division acting as a representative for the Agency and hereinafter referred to as EPA, for the exchange of Toxics Release Inventory (TRI) data via the National Environmental Information Exchange Network, hereinafter referred to as the Exchange Network.

2 Purpose

The purpose of this Addendum is to expand the scope of the initial exchange to include facility reports submitted on diskette, or paper, or reports submitted by facilities using CDX for the first time. EPA must take additional processing steps to enter and/or format the data received in this manner so it can be electronically forwarded to states. Therefore, this type of submission is not a simultaneous submission to the state and does not constitute official submission to the state agency. Facilities must continue to submit separate reports directly to their state.

This agreement does not supersede any existing agreement between the State and EPA, nor any future Memoranda of Understanding between the State and EPA.

3 Background

When submitting TRI data, TRI facilities may choose between several mechanisms including submission via EPA's Central Data Exchange (CDX), submission via diskette, and submission of paper forms.

When a TRI facility submits TRI data through CDX (via TRI-ME) and the facility's state is a participant in the TRI State Data Exchange, the facility's data is simultaneously submitted to both EPA and their state and the facility's statutory duty has been met.

When a TRI facility submits TRI data on diskette, paper or through CDX for the first time, a second data flow allows the data to be forwarded to the State. The intention of the second data flow is to reduce the data processing burden on participating states. For this

Addendum to Address Diskette, Paper, and First-Time CDX Reports for TRI State Data Exchange

data, States have the option to rely on paper and disk submissions inputted by EPA rather than duplicating the processing of these submissions at the state level. If a facility chooses to submit via paper or diskette or is filing using CDX for the first time, the facility is responsible for submitting the data separately to both EPA and the State, even when the facility is located in a State that participates in simultaneous CDX reporting. Simultaneous exchange is not available to first-time CDX filers because certain administrative steps (assigning a TRI Facility Identification Number (TRIFID)) need to occur before data can be forwarded to the State and the data cannot, therefore be sent directly from the facility to the state via CDX.

4 Participant Responsibilities

4.1 Data Exchange Mechanism and Schedule

As described above, this Addendum only addresses diskette, paper and first-time CDX reports and their respective data flows.

These reports are initially sent to EPA by a TRI facility via paper or diskette or by a facility filing using CDX for the first time.

Reports Filed Via Diskette

TRI data submissions that are received on diskette (or other electronic media such as CD-ROM) at the TRI Data Processing Center (DPC) will be will forwarded directly to the CDX node prior to being loaded into the Toxics Release Inventory Information System (TRIS) database. The diskette data, which will have already passed data validation testing in the TRI-ME data submission application, will be scanned for viruses and copied to a holding directory. It will then be forwarded to the CDX node. CDX will convert the data to XML based on the TRI State Data Exchange schema. The data is then pushed to the State node. A flag will be attached to the data to indicate the data's origin (diskette received at the TRI Data Processing Center).

Reports Filed Via Paper

Certified TRI reports submitted via paper are entered into TRIS and processed (e.g., including undergoing data validation checks, data quality checks, facility reconciliation checks, etc.). After processing is complete, the data are extracted from TRIS in the form of XML documents/files using the TRI State Data Exchange Schema. The data is then transferred to CDX and subsequently pushed to the State node. A flag will be attached to the data to indicate the data origin (paper received at the TRI Data Processing Center).

First-Time CDX Filers

All facilities may use CDX to submit their data however, for facilities using CDX for the first time a wet-ink signature must be mailed to the Agency for certification purposes. (In addition, for facilities filing for the first-time in any format, a TRIFID must be assigned

to the facility before data is uploaded to the TRIS processing database.) Due to this extra processing step, the data cannot be simultaneously forwarded to the State through the TRI State Exchange Network at the time the facility submits it through CDX. Instead, the data will be loaded into TRIS, if needed a TRIFID will be assigned, and the data will be processed. The data then will be extracted in XML form, sent to CDX and subsequently forwarded to the State's node. A flag will be attached to the data to indicate the data origin (first-time CDX filer).

The data received through the methods listed above are transferred on a facility-by-facility basis as received and processed by EPA. The State node responds to a successfully submitted report by sending a Transaction ID back to the CDX node.

4.2 Data Stewardship

The stewardship responsibilities of the two parties are described and acknowledged by this agreement. EPA agrees to be the steward for all TRI data submitted through the Exchange Network to the State. The State maintains oversight responsibility for this data. Each party agrees to provide notification and documentation to the other partner when either decides that data quality, completeness, or timeliness has fallen short of expectations.

4.3 Use of Data, Access to Data

CDX transfers TRI data to the State node according to the protocols established in the published Exchange Network protocol and specifications. CDX also retains a copy of the submitted data for processing into EPA data systems. The State may use this data as defined by the State's business processes.

Note, however, that the data from reports filed via paper, diskette, or from first-time CDX filers has not been compared to analogous data the State should have received separately from each facility. Although each facility must submit the same data to both the EPA and the State apart from any additional data required under State law, EPA has no way to verify that the data EPA receives is the same as the data the State receives. EPA provides data to the State prior to public release to allow the State's internal use, such as data reconciliation or early insights into changes in the data.

4.4 Consultation

The State agrees to consult with EPA, specifically the TRI Program Division Director, before releasing to the public EPA's version of paper, diskette, or first time CDX filer data electronically forwarded to the state. Consultation should be documented in writing and address the State's plans for releasing the data including when and why they plan to release the data, and any major issues or findings.

4.5 Security

The data exchanged under this agreement are not confidential. The information is approved for public distribution and made available on a public internet website. Information claimed to be trade secret as defined by Section 322 of EPCRA and confidential business information (CBI) or trade secrets submitted to support a Section 322 trade secrecy claim is not be transmitted over the Exchange Network. See 42 USC § 11042. Confidential business information or trade secrets are managed by EPA in a separate processing system meeting CBI requirements.

4.6 Data Source and Data Quality

For paper, diskette and first-time CDX reports, the data source is TRI data reported by TRI facilities beginning the year this addendum is signed. Revisions to previous years' submissions are not automatically transferred. EPA and the State agree to cooperate to ensure that the data being exchanged are an accurate and complete replica of the data submitted to EPA as certified by the TRI facility. Note that the data from reports file via paper, diskette, or from first-time filers sent under this program represents data that facilities have submitted to EPA. Facilities are also required to submit this data to their appropriate State agency. To fulfill its federal reporting requirements, the facility must submit the same data to both the EPA and the State, apart from any additional data required under State law. EPA makes no claims as to the consistency between the paper, diskette, and first time CDX filer data EPA transmits to the State via CDX and the paper or diskette data facilities submit separately to the State to meet their reporting obligations.

The process outlined in the Dispute Resolution section applies to reconciliation of data duplicates, discrepancies, or other quality issues. Individual submissions are tracked using a Transaction ID supplied by the State node.

4.7 Data Timeliness

Data that is submitted on paper, diskette, or by first-time CDX users is converted to XML and pushed from CDX to the State node as they are processed by the TRI Data Processing Center on a facility-by-facility basis. States receive these data separately from this exchange and should consult those separate submissions for enforcement purposes.

4.8 Data Elements, Standards and Technology, Data Reconciliation, Dispute Resolution, Financial Arrangements, and Period of Agreement

The topics identified above are addressed in the main section of the MOA.

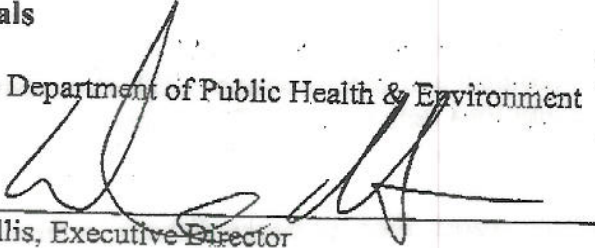
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<p>[State] Primary Contact Name Kirk Mills Title SARA Title III Coordinator Agency Colorado Department of Public Health & Environment Phone (303) 692-2977 Email kirk.mills@state.co.us</p>	<p>EPA Primary Contact Name: Ingrid Rosencrantz Title: TRI Exchange Network, Project Lead Agency: EPA Phone (202) 566-0961 Email: Rosencrantz.Ingrid@epa.gov</p>
<p>[State] Alternate Contact Name Jill Cooper Title Director, Sustainability Program Agency Colorado Department of Public Health & Environment Phone (303) 692-2007 Email jill.cooper@state.co.us</p>	<p>EPA Alternate Contact Name: Dipti Singh Title: Chief, Information Outreach Branch Agency: EPA Phone: (202) 566-0739 Email: Singh.Dipti@epa.gov</p>

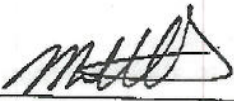
9 Approvals

Colorado Department of Public Health & Environment


Dennis Ellis, Executive Director

10/9/06
Date

US EPA Headquarters


Michael Petruska, Division Director,
Toxics Release Inventory Division,
Office of Information Analysis and Access

10/30/06
Date